

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
Room 220, Senate Building, Utah State Capitol Complex
February 4, 2009**

Members Present: Sen. Jon J. Greiner, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Pres. Michael G. Waddoups
Sen. Scott D. McCoy
Rep. Douglas C. Aagard
Rep. Richard A. Greenwood
Rep. Steven R. Mascaro
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Larry B. Wiley

Staff Present: Gary Ricks, Fiscal Analyst
Gary Syphus, Fiscal Analyst
Carrie Griffith, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hutchings called the meeting to order at 2:31 p.m.

Federal Funds Report

Rep. Hutchings asked if anyone had questions about the Federal Funds Report. Subcommittee members asked for specifics on which funds have been received. This issue will be addressed in the February 5, 2009 meeting.

Department heads were invited to contact either Gary Ricks or Gary Syphus, Fiscal Analysts, about agency issues so they wouldn't need to attend every meeting.

Mr. Syphus explained a handout titled "Talking Points for H.B. 3," stating the bill closes the \$350 million revenue shortfall in the current fiscal year (FY 2009). The handout further explains how cuts were taken, noting \$365 million has been eliminated from the FY 2010 base budget although the target is \$450 million.

Mr. Ricks answered questions about budget balancing.

Intent Language

Rep. Hutchings asked for departments to identify critical items that would be negatively affected if non-lapsing status is not awarded. He suggested they come up with a "Plan B." A handout

showing suggested nonlapsing intent language for each department was distributed.

Budget Summary

The Analysts were asked to present Base Budget information for the various departments and agencies. Before the conclusion of committee business, members have been asked to vote on the base budgets for the various agencies and programs within the Subcommittee. Budget Summary handouts were provided for each Subcommittee member. Mr. Ricks explained the Budget Summary and turned time over to each agency to present an overview of their department.

Attorney General

Mark Shurtleff, Attorney General, accompanied by Werner Haidenthaller, Chief Administrative Officer addressed the Subcommittee. He recognized Kirk Torgensen, Deputy Chief of Criminal and Ray Hintze, Deputy Chief of Civil who were also in attendance.

Mr. Shurtleff mentioned the Office took a 5% cut during Special Session in September 2008 but were still able to generate a substantial amount of money for the State through tobacco settlements, enforcing an arbitration agreement, risk management cases, collecting on delinquent accounts and many other areas. He requested that the Subcommittee take special consideration to not cut their budget further. He stated they are "the milk cow" agency. To cut their budget would take away revenue from the State of Utah and be devastating to their Office.

Mr. Haidenthaller apprised the Subcommittee of three minor items the Office is obligated to pay. (1) David C. final payment \$46,100, (2) St. George Airport due diligence \$90,900, and (3) "Pelt" forensic Account \$400,000.

The Office is also asking for non-lapsing intent language, stating it is vital for the following four areas: (1) AG Main Operations, (2) Contract Attorneys, (3) Children's Justice Centers, and (4) Utah Prosecution Council.

Subcommittee members complimented the Office for the good job they are doing and willingness to work with them through the difficult budget reduction task.

Juvenile Justice Services (JJS)

Dan Maldonado, Director, assisted by Rick Platt, Administrative Services Director, addressed the Subcommittee. Mr. Maldonado recognized Gaby Anderson, Deputy Director, in attendance.

Handouts describing the Department's duties and responsibilities was distributed and discussed

by Mr. Maldonado. He also made reference to the buff-colored handouts that show a reduction of approximately \$2 million and elimination of 34 FTEs because of H.B. 3.

Mr. Maldonado noted that two of their facilities are privatized--a 60-bed facility in Farmington and a 160-bed facility in Salt Lake City, which are contracted in 5-year cycles by a private provider. They are requesting \$400,000 to fulfill their contract. He stated it might be possible to renegotiate their contract with the provider. He responded to questions raised by Subcommittee members.

Mr. Platt explained a handout detailing reasons non-lapsing authority is needed within the Department. He stated they will not be asking for ongoing monies for FY 2009 but will do so in FY 2010 for the items listed under bullet #2, which encompasses state owned, but privately run facility contracts.

MOTION: Sen. Greiner moved to adjourn.

Rep. Hutchings adjourned the meeting at 4:25 p.m.

Sen. Jon J. Greiner, Co-Chair

Rep. Eric K. Hutchings, Co-Chair